

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 819 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7765/2006 Dated 03/01/2006
CMP.8292/2006 of J.M.F.C., KAYAMKULAM
.....

PETITIONER/ACCUSED:

VIJAYAKUMAR, S/O. THANKAPPAN,
AMRITHABHAVANAM, EREZHA THEKKUM MURI,
PERINGALA VILLAGE, MAVELIKKARA.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENT/ COMPLAINANT/STATE:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.819 OF 2007

DATED THIS THE 13th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in CR.No.258/06 of Mavelikkara Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 750ml of coloured arrack on 15.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in four other crimes involving similar offences, he fairly conceded that final report has not been filed in this case even after 60 days of judicial custody of the petitioner. If so, the petitioner is entitled to bail as of right, in view of the proviso to section 167(2) Cr.P.C. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kayamkulam and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn